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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MATTHEW HOUSTON,	Case No. 2:19-cv-01475-GMN-EJY
Petitioner,	ORDER
v.	
JERRY HOWELL, et al.,	
Respondents.	

Petitioner Matthew Houston has submitted a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254 (ECF No. 1-1). His application to proceed *in forma pauperis* is granted. The court has reviewed the petition pursuant to Habeas Rule 4 and finds that it must be dismissed for failure to state a claim cognizable in federal habeas corpus.

This court may entertain a petition for writ of habeas corpus “in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). Alleged errors in the interpretation or application of state law do not warrant habeas relief. *Hubbart v. Knapp*, 379 F.3d 773, 779-80 (9th Cir. 2004).

Here, Houston argues that he was charged and convicted of a felony when he should have been charged with a misdemeanor and also argues that his previous judgments of convictions were the result of malicious prosecution. These are state-law issues. They are not cognizable in federal habeas. Further, Houston has now been paroled; his claims that he was kept in prison past his parole date and that his bail was

1 excessive are now moot (see *also* Case No. 2:19-cv-01360-RFB-VCF, ECF No. 15).  
2 Accordingly, this petition is dismissed for failure to state a claim cognizable in federal  
3 habeas corpus.<sup>1</sup>

4 The court will not issue a certificate of appealability, as reasonable jurists would  
5 not debate the dismissal of this petition.

6 **IT IS THEREFORE ORDERED** that petitioner's application to proceed *in forma*  
7 *pauperis* (ECF No. 4) is **GRANTED**.

8 **IT IS FURTHER ORDERED** that the Clerk shall detach and file the petition (ECF  
9 No. 1-1).

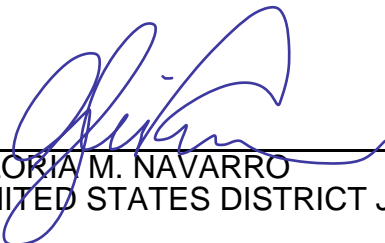
10 **IT IS FURTHER ORDERED** that the petition is **DISMISSED** for failure to state a  
11 claim cognizable in federal habeas corpus.

12 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

13 **IT IS FURTHER ORDERED** that petitioner's motions for extension of time and  
14 motion to compel (ECF Nos. 3 and 6) are both **DENIED** as moot.

15 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and  
16 close this case.

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18 DATED: 10 October 2019.

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22 GLORIA M. NAVARRO  
23 UNITED STATES DISTRICT JUDGE  
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27 <sup>1</sup> The court also notes that Houston states on the face of his petition that he is currently pursuing state  
28 postconviction relief; thus, he may not have exhausted his claims in state court. While not entirely clear, it  
appears from the Eighth Judicial District Court online docket that Houston may have a state postconviction  
habeas corpus petition pending.